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Docket No. 05-015-1
Regulatory Analysis and Development
PPD, APHIS, Station 3C71
4700 River Road Unit 18
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Sent via U.S. Mail and Internet www.usda.gov/nais

RE: National Animal Identification System, Draft Strategic Plan and Draft Program Standards. Docket No. 05-015-1.

On behalf of the 85,000 national members of the Animal Protection Institute (API), I am pleased to offer these comments on the draft strategic plan and draft program standards for the National Animal Identification System (NAIS).

I thank the Animal and Plant Health Inspection Service (APHIS) in advance for your consideration of these comments.

Our chief interests regarding this program are that 1) the information and data collected through this program be made available to the general public and interested parties on-line or through the Freedom of Information Act (FOIA) process, 2) that the identification method be administered in a humane manner, 3) that the program be used to ensure producer compliance with the federal 28 hour law and international animal welfare directives set forth under the World Animal Health Organization (OIE) of which the United States is a member.

1) Information collection and data availability

Concerns about disease outbreaks, food safety, agricultural terrorism, and animal welfare have drawn attention to the need for information about the movement of live animals used in agriculture worldwide.

In response to concerns and in recognition of the need to quickly and accurately identify and trace animals, APHIS has received more than $18 million in taxpayer money to begin the NAIS. An additional 33 million dollars for the program has been budgeted for 2006.

While the NAIS will benefit public health in terms of the ability of the government to track livestock carrying zoonotic diseases or to track tainted meat following a voluntary recall, the primary beneficiaries of the program will be the private livestock industry.

The economic impacts of diseases such as foot and mouth, anthrax, tuberculosis, brucellosis, avian flu, Exotic Newcastle Disease (END), Poulty (should this be poultry?) Enteritis Mortality Syndrome (PEMS), and Transmissible spongiform encephalopathy's (TSEs) including, bovine spongiform encephalopathy (BSE) or "Mad cow," chronic wasting disease (CWD), and scrapie are of great concern to the livestock industry, and for good reason. The cost of containing an outbreak and reduction in consumer and trade countries' confidence can be extremely costly.

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In December 2003 a BSE positive cow was found in Washington state, as a result Japan banned U.S. beef imports along with forty other nations including, Mexico, Russia, Brazil, South Africa, Hong Kong, Japan, Singapore, Taiwan, Malaysia and South Korea. The result, according to the 2004 annual report from Tyson foods (the world's top seller of beef) was $61 million in direct mad-cow related costs and a 9.8% drop in beef sales.

Federal and state funds are also used to cover the costs of disease outbreaks that impact the livestock industry. According to F. Dustan Clark, Extension Poultry Health Veterinarian at the University of Arkansas's Avian Advice, eradication costs associated with exotic poultry disease outbreaks in the United States typically cost about $1 million per day of the outbreak.

Despite the benefits to private industry the cost of developing the NAIS program has been placed largely on the American taxpayer. As a tax-payer funded and government mandated program the information and data gained from the NAIS should be made available to the general public and other interested parties.

The NAIS information could be made available in much the same way as information is available for other government mandated programs such as the Animal Welfare Act. Under this, and similar programs, persons simply submit FOIA requests to the appropriate person to obtain information relating to the program at issue. The FOIA process is essential for ensuring government and industry accountability to the public and consumers.

2) Humaneness of program administration

The development of the NAIS system should include a detailed analysis of the animal welfare implications of the identification method(s) used. Issues to be considered include the pain and stress caused by, 1) the application of the identification tag, microchip or other physical identifier, 2) the potential for injury or discomfort caused by the identification device after its application to the animals' body, 3) the handling methods employed while the device is being applied or read.

We strongly encourage APHIS to investigate the feasibility and potential benefits of using microchips or retinal imaging as means of identification of individual animals.

The use of microchips has gained popularity among the wildlife research community for tracking wildlife and the general public for companion animal identification. Microchips are small computer chips with identification numbers programmed into them. The chips are encased in a smooth, strong biocompatible glass, and are small enough to fit into a hypodermic needle. Due to their size and relative ease of application, microchips appear to cause minimal pain and discomfort and result in no physical alteration of the animal's body unlike many ear tags or other physical means of identification.

Another benefit of microchip technology is that the identification information contained with in the chip is resistant to alteration, loss, or intentional removal. Microchips are also compatible with animals that have physical features that preclude the use of ear tags such as LaMancha dairy goats which have extremely small ears.

Retinal imaging uses photographs of the pattern of blood vessels on the retina at the back of the eye. Each eye's blood vessel pattern is unique and doesn't change throughout life, much like fingerprints and DNA coding. Retinal imaging cuts the opportunity for fraud and equipment failure that can occur with other animal identification systems. Ear tags and implants can be lost, removed or recoded. Implants also may become covered with fibrous tissue reducing readability. And blood tests for DNA can be lost or switched.

The obvious welfare benefits of retinal imaging include elimination of physical alteration of the animal's body and compatibility with various species and breed varieties. The potential welfare downside of retinal imaging is that it may require that the animal be restrained in order to obtain a reading which could increase the stress and injury caused to the animal through the course of his or her life.

We again encourage APHIS to consider the full range of animal welfare implications in the development of the NAIS program.

3) Compliance with transport laws and international directives

The NAIS program should be used to ensure compliance with existing state and federal laws and international directives governing the transport of livestock. To achieve this, data collected and reported to the national animal records repository should include: 1) the premises identification number of the departure location, and the date and time of the departure movement, 2) the premises identification number of any rest stop locations used and the date and time of arrival and departure from the rest stop, 3) the premise identification number of the receiving location and the date and time of the arrival.

Collection of the above mentioned data would allow the Department of Agriculture and other law enforcement authorities to determine the approximate duration of livestock movement and thereby ensure compliance with laws such as the federal 28-Hour Law.

The 28-Hour stature reads in part:

> [A carrier transporting animals] may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest. . . . Animals being transported shall be unloaded in a humane way into pens equipped for feeding, water, and rest for at least 5 consecutive hours.]

The purpose of the statute is to ensure that livestock in transport are fed, watered, and rested at least once within the prescribed time. While the Department of Agriculture is the agency in charge of inspecting rest stations to ensure compliance, the law is not currently enforced. The reason given for failure to enforce the law has been the alleged inability of law enforcement authorities to accurately track animals between destinations. The NAIS will eliminate this alleged enforcement barrier provided adequate date is collected and reported.

Availability of journey time data will also aid the United States in complying with international standards. On May 24, 2005, delegates of the OIE (World Animal Health Organization) voted to adopt the first ever global standards for the transport and slaughter of live animals. Although the OIE standards are currently a voluntary code, their adoption demonstrates that animal welfare during transportation and slaughter is an important global issue.

Conclusion

The development and implementation of the NAIS is an important step in addressing the domestic and global concerns about disease outbreaks, food safety and animal welfare.

Addressing these concerns serves the public interest as well as the financial interests of private industry. As with other government funded and mandated programs information and data collected through the NAIS should be made available through the FOIA process and be easily accessible to state and local governments responsible for ensuring human and animal health and enforcement of applicable state and federal laws governing the transport of live animals.

In developing the physical animal identification method the welfare of the animals should be considered at all stages of the program including the initial application of the animal identification number (AIN) and the methods used to apply and/or read the AIN for data collection and tracing purposes.

Once again we thank you for your consideration of these comments and look forward to reviewing the final strategic plan and program standards when they become available for public comment.

Sincerely,

Monica Engebretson
Senior Program Coordinator